

EXHIBIT 12



OPERATIONS ORDER

SUBJECT: POLICE OFFICER PERFORMANCE OBJECTIVES	
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1. The mission of a New York City police officer is, through use of self-initiated and team-led efforts, to enhance quality of life in the City by preserving the public peace, preventing crime, detecting and arresting offenders, suppressing disorder and protecting the rights of persons and property. The success of these efforts requires consistent dialogue with the community, personal observations, and action in order to gather intelligence and impact on crimes, quality of life issues, and conditions threatening persons, property, or public order. Such crimes, quality of life issues and conditions threatening persons, property or public order are properly addressed and corrected through the use of *proactive enforcement activities*. Proactive enforcement activities are those areas of enforcement which are delegated to officers by virtue of their police powers, including, but not limited to, the issuance of summonses, the stopping and questioning of suspicious individuals, and the arrests of criminals.

2. Therefore, it is incumbent upon police officers performing vehicle patrol, foot patrol, vertical patrol within buildings, or patrol in the transit system, to gather intelligence either from the public or through personal observation and, through self-initiated or team-led effort, utilize proactive enforcement activities to address crimes, violations, and conditions endangering persons, property or public order.

3. To be effective in addressing the community's crime and quality of life conditions, daily activities of police officers must be designed and coordinated to impact on the identified issues. To provide guidance to police officers concerning their duties, Department managers can and must set performance goals. Officers should be expected to act within appropriate legal standards to perform the tasks cited in the above Mission Statement with particular attention to self-initiated arrests, issuing summonses, conducting stops, and engaging in other enforcement activities.

4. In order to assist police officers and supervisors in identifying the locations within the command where patrol enforcement activity may be most effective in addressing the community's crime and quality of life conditions, the Department implemented the use of a new intelligence document entitled, "**COMMAND CONDITIONS REPORT**" as outlined in *Operations Order 50, series 2011, "Quest For Excellence - Command Conditions Reports."* This report informs members of the service of current crime conditions, crime patterns and trends, quality of life and traffic conditions, in every sector of the command with an emphasis on specific platoons, time frames and locations. The **COMMAND CONDITIONS REPORT** is a road map designed to direct police officers and supervisors to command conditions. The **COMMAND CONDITIONS REPORT** represents a baseline of sector information and commanding officers are encouraged to attach any additional information they determine would be useful in addressing command conditions (e.g., wanted photographs, accurate criminal intelligence, specific condition details or any other relevant information).

5. Commanding officers, in consultation with the special operations lieutenant and command staff (e.g., crime analysis section, field intelligence officer, etc.), will prepare the **COMMAND CONDITIONS REPORT** for each sector/post within the command every Monday. The command's crime analysis section will input the **COMMAND CONDITIONS REPORT** via the "Quest for Excellence" computer application on the Department's intranet. The "Quest for Excellence" application will allow the **COMMAND CONDITIONS REPORT** to be entered and viewed as a power-point presentation on the command's video conferencing system displays. In addition, hard copies of the **COMMAND CONDITIONS REPORT** can be printed out upon request.

6. The commanding officer, in consultation with the special operations lieutenant and command staff (e.g., crime analysis section, field intelligence officer, etc.) will evaluate the current **COMMAND CONDITIONS REPORT** every Monday and amend the **REPORT** to show the most recent trends. The **REPORT** should also be updated during the week if emerging trends require. Commanding officers will instruct all lieutenants concerning the identified conditions. Lieutenants will then discuss the identified conditions on the **COMMAND CONDITIONS REPORT** with their squad/unit sergeants and police officers under their supervision. Precinct/housing/transit commanders are reminded that the implementation of the **COMMAND CONDITIONS REPORT** does not preclude the precinct/housing/transit commander from distributing any other type of criminal intelligence. Furthermore, a hard copy of the **COMMAND CONDITIONS REPORT** will be printed from the "Quest for Excellence" application and posted in the Crime Information Center. An additional hard copy will be immediately forwarded to the borough concerned on a weekly basis and at other times, as appropriate (e.g., emerging trends, etc.).

7. The **COMMAND CONDITIONS REPORT** will provide officers and supervisors on patrol with actionable intelligence that requires attention within the officers' specific area of responsibility, every day and on every tour. The **COMMAND CONDITIONS REPORT** and any additional reports will be distributed by the commanding officer, through supervisors, to police officers on a weekly basis. As noted, it will also be maintained in the command's Crime Information Center in order to assist police officers and supervisors in being aware of conditions throughout the command. At the start of tour, uniformed members of the service, in consultation with the patrol supervisor, will utilize the current **COMMAND CONDITIONS REPORT** in identifying the two primary conditions to be addressed within their assigned sector/post. These two identified primary conditions will be immediately noted daily on a newly created form as described below.

8. Effective 0001 hours, November 1, 2011, uniformed members of the service will be required to prepare and document their daily assignment, selected two primary conditions to be addressed, and daily activity noted (e.g., community interaction, arrests, summonses issued, reports prepared, etc.) on new Department form entitled, "**POLICE OFFICER'S MONTHLY CONDITIONS IMPACT MEASUREMENT REPORT (PD439-1424)**." The **POLICE OFFICER'S MONTHLY CONDITIONS IMPACT MEASUREMENT REPORT** will be maintained and carried in the inside pocket of the uniformed member's regulation leather binder and will be presented to any supervisor upon request. The uniformed member of the service will ensure that the **POLICE OFFICER'S MONTHLY CONDITIONS IMPACT MEASUREMENT REPORT** is folded neatly as to minimize any tears. Uniformed members will document the two primary identified conditions to be addressed during the tour on the **REPORT** prior to commencing patrol. In addition to other assignments given by supervisors or by the Communications Division, the officer will focus on addressing these two identified sector/post conditions. Other conditions requiring police attention, identified by civilians or through the member's own observation, must also be addressed. Officers will note on the **POLICE OFFICER'S MONTHLY CONDITIONS IMPACT MEASUREMENT REPORT** *ALL* activities (e.g., arrests, field reports, etc.) engaged in during the tour. If an activity specifically impacts on either of the two identified conditions for the tour, then the 'Y' in the left hand box will be circled. Otherwise, the 'N' will be circled. On the back of the **REPORT**, officers may also write remarks regarding actions taken to impact on the two primary identified conditions and other significant conditions which were impacted on.

OPERATIONS ORDER NO. 52

9. The **POLICE OFFICER'S MONTHLY CONDITIONS IMPACT MEASUREMENT REPORT** will be submitted by the member to the squad/unit sergeant concerned for review and signature on the seventh, fourteenth, and twenty-first day of every month. Squad/unit sergeants will meet with each subordinate to review the member's current activity following the seventh, fourteenth, and twenty-first day of every month. As part of the weekly review, the squad/unit sergeant will compare the member's current monthly activity as it pertains to the member's daily assignment and the two identified conditions to be addressed within the sector(s)/post(s) assigned. The member's **ACTIVITY LOG (PD112-145)** may also be reviewed if the member has documented additional information ascertained from community interactions, summonses issued, arrests made or other actions taken. This review will provide the supervisor with a weekly opportunity to evaluate the uniformed member's performance in proactively addressing sector/post conditions. The supervisor must indicate to each uniformed member an assessment of the quality and caliber of the officer's efforts. In the absence of the squad/unit sergeant concerned (e.g., sick report, vacation, etc.), the weekly review of the **POLICE OFFICER'S MONTHLY CONDITIONS IMPACT MEASUREMENT REPORT** will be conducted by the platoon commander/special operations lieutenant.

10. At the end of every month, uniformed members will complete the captions on the rear side of the **POLICE OFFICER'S MONTHLY CONDITIONS IMPACT MEASUREMENT REPORT** indicating the total activity for the month and list any additional comments pertaining to actions taken to address declared conditions. The completed **POLICE OFFICER'S MONTHLY CONDITIONS IMPACT MEASUREMENT REPORT** will be submitted to the squad/unit sergeant concerned by the second day of the following month. The squad/unit sergeant will then make his/her assessment of the officer's efforts and will enter his/her comments in the "Officer's Impact on Declared Conditions" section on the rear of the **POLICE OFFICER'S MONTHLY CONDITIONS IMPACT MEASUREMENT REPORT**. The squad/unit sergeant will check off one of the following two boxes: ☐ Effective ☐ Ineffective and must provide a justification as to why the uniformed member of the service was given either an effective rating or ineffective rating. In addition, the failure to address identified conditions will also be documented. Platoon commanders/special operations lieutenants will then review and sign the **REPORT** for members under their direct supervision. Audits of the Online Booking Arrest System (O.L.B.S.) and the Electronic Summons Tracking System will be conducted by the integrity control officer to ensure the accuracy of entries of the **POLICE OFFICER'S MONTHLY CONDITIONS IMPACT MEASUREMENT REPORT**.

11. Upon review and signature by the platoon commander/special operations lieutenant, the **POLICE OFFICER'S MONTHLY CONDITIONS IMPACT MEASUREMENT REPORT** will be submitted to the operations coordinator for entry into the Quest for Excellence application. The **POLICE OFFICER'S MONTHLY CONDITIONS IMPACT MEASUREMENT REPORT** will be scanned and filed for future reference utilizing the network scanner located at the desk.

12. Uniformed members of the service, who are normally assigned to perform administrative duties, will be required to complete and submit the **POLICE OFFICER'S MONTHLY CONDITIONS IMPACT MEASUREMENT REPORT** to their designated supervisor, if they are assigned to any enforcement duties during the reporting month (e.g., "All Out" enforcement, etc.).

13. Uniformed members of the service must be made aware that when a supervisor conducts an evaluation, a high degree of review and consideration will be given to member's daily efforts to address the two primary identified conditions. When signing a uniformed member's **ACTIVITY LOG (PD112-145)**, supervisors will also regularly review the member's **POLICE OFFICER'S MONTHLY CONDITIONS IMPACT MEASUREMENT REPORT**, which is carried by the member in the inside pocket of the regulation leather binder. Inquiries will be made concerning actions taken to address the two primary identified and other significant conditions. Instruction and direction will be given, as required. Supervisors will document any direction given in their **ACTIVITY LOGS**. Duty captains, as part of their daily patrol within a borough, will review platoon commanders and patrol sergeants **ACTIVITY LOGS** to ensure these actions are being taken, and entries are being made regarding them.

14. In cases where an officer's performance fails to address sector/post conditions, the squad/unit sergeant will notify their platoon commander/special operations lieutenant. The platoon commander/special operations lieutenant, in conjunction with the squad/unit supervisor, will take appropriate steps to improve the police officer's performance. These steps include, but are not limited to, assisting the police officer in identifying the conditions to be addressed, assigning the police officer to work with a supervisor and a squad/unit that effectively addresses sector conditions through community interaction, the issuance of summonses, and effecting arrests, etc. and referring the police officer to Performance Enhancement Training.

15. Uniformed members of the service who remain ineffective, who do not demonstrate activities impacting on identified crime and conditions, or who fail to engage in proactive activities, despite the existence of crime conditions and public safety concerns, will be evaluated accordingly and their assignments re-assessed. Continued failure to address sector/post conditions will be documented on an interim or annual **PERFORMANCE EVALUATION**. If after training, mentoring and hands-on instruction, the uniformed member continues to fail in addressing sector/post conditions, the member will be referred to the Employee Management Division's Performance Monitoring Unit for placement in the appropriate level of performance monitoring, transfer, reassignment or other appropriate disciplinary action. Quarterly, each precinct/PSA/transit district will notify their borough in writing, of uniformed members of the service who are under-performing. The boroughs will provide oversight and direction in monitoring and improving their performance.

16. In order to facilitate administrative efficiency and ensure appropriate supervisory oversight, Department form entitled, "**SQUAD SUPERVISOR'S RECAPITULATION (PD439-1418)**" has been revised and incorporated into the Quest for Excellence application. The **SQUAD SUPERVISOR'S RECAPITULATION** will be prepared electronically within the Quest for Excellence application by the squad/unit sergeant based on information contained on submitted **POLICE OFFICER'S MONTHLY CONDITIONS IMPACT MEASUREMENT REPORTS**. The squad/unit sergeant will be responsible to verify the activity of each member under his/her supervision a minimum of once each quarter. The squad/unit sergeant will note in the "Comments by Squad Supervisor" section of the **SQUAD SUPERVISOR'S RECAPITULATION**, the member(s) of service verified each month. Furthermore, a new Department form entitled, "**QUARTERLY ASSESSMENT OF SQUAD SERGEANT (PD439-1425)**" has been incorporated into the Quest for Excellence application to allow the platoon commander/special operations lieutenant to

OPERATIONS ORDER NO. 52

evaluate sergeants under their supervision and to ensure compliance in meeting performance objectives. Platoon commanders/special operations lieutenants will evaluate their squad sergeants each quarter in the seven categories listed on the **QUARTERLY ASSESSMENT OF SQUAD SERGEANT**. For each category listed, the platoon commander/special operations lieutenant will assess the squad sergeant and check off one of the following two boxes: ☐ Effective ☐ Ineffective. The platoon commander/special operations lieutenant must provide a justification as to why the squad sergeant was given either an effective rating or ineffective rating for the selected category. In addition, the platoon commander/special operations lieutenant will give an overall rating of either ☐ Effective ☐ Ineffective and must provide a justification as to why the squad sergeant was given an overall rating of effective or ineffective.

17. Precinct commanders will utilize their executive officers and integrity control officers to conduct observations at locations of identified conditions and monitor the performance of the uniformed members of the service thereat. Bureau/borough investigation units should also be utilized by higher commands to ensure quality efforts throughout the borough to impact on conditions.

18. Effective 0001 hours, November 1, 2011, commands will discontinue using Department form **POLICE OFFICER'S MONTHLY PERFORMANCE REPORT (PD439-1414)** and use the new Department form **POLICE OFFICER'S MONTHLY CONDITIONS IMPACT MEASUREMENT REPORT (PD439-1424)** which is available for print through the Quest for Excellence application.

19. Effective 0001 hours, November 1, 2011, Department form **POLICE OFFICER'S MONTHLY PERFORMANCE REPORT (PD439-1414)** is hereby **REVOKED**.

20. Effective 0001 hours, November 1, 2011, wherever the form "**POLICE OFFICER'S MONTHLY PERFORMANCE REPORT (PD439-1414)**" appears in the Department Manual or other Department directives, **REPLACE** it with "**POLICE OFFICER'S MONTHLY CONDITIONS IMPACT MEASUREMENT REPORT (PD439-1424)**."

21. Effective 0001 hours, November 1, 2011, commands will discontinue using Department form **SQUAD SUPERVISOR'S RECAPITULATION (PD439-1418)** bearing a printing date of [Rev. 05-08] and begin using the revised **SQUAD SUPERVISOR'S RECAPITULATION (PD439-1418)** [Rev. 10-11] which has been incorporated into the Quest for Excellence application.

22. Commanding officers will ensure that the contents of this Order are brought to the attention of members of their commands.

BY DIRECTION OF THE POLICE COMMISSIONER

DISTRIBUTION
All Commands

OPERATIONS ORDER NO. 52